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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,364	02/02/2001	Mark J. Kraffert	MICT-0134-US	8094

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EXAMINER

WEST, JEFFREY R

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n No.

09/776,364

Applicant(s)

KRAFFERT, MARK J.

Examiner

Jeffrey R. West

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 17-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 17-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-5, 12, 13, and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites, "in each of the first and second test systems, using the first data file in performing the respective one of the first and second tests." This recitation is unclear because it suggests that two different tests are being performed. From the instant disclosure the Examiner interprets the invention as a method and system for testing one of a plurality of databases using test files stored in a shared environment. The test files are not obtained from the databases under test and therefore if the same file is used at more than one test system, the same test will be executed on the same database (see page 3, lines 8-11). However, the wording of the claim suggests performing two different (i.e. first and second) tests using the same data file.

Similarly claim 12 recites, a second test system for "performing another test on the database using the test file" using a data file generated from "the first value" and "the second value", both of which are defined in the first test system. Since the same values are used to obtain the same data file, the same test will be executed contrary to the wording of the claim.

Claims 2-5, 29, and 13 are rejected under 35 U.S.C. 112, second paragraph, because they incorporate the faulty language present in their respective parent claims.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14, 17-19, 22-24, and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,393,435 to Gartner et al. in view of U.S. Patent No. 5,857,192 to Fitting.

Gartner discloses a method and means for testing the performance of a database system by referencing files external to the database system using multiple file systems wherein the test files are created in the file systems and a control table in the database management system controls access to the test files (column 2, lines 51-59). Gartner discloses implementing the method by receiving requests from a user via an application programming interface (column 4, lines 30-39) wherein the user supplies a first value, relating to the filename, and a second value, relating to the name of the server/database system under test, (column 5, lines 41-54) over a network using searching and management control units and software routines (column 5, lines 19-29). Gartner then discloses searching the corresponding

database and returning query results including the server/database and filename references which are then used to identify the relevant data file (column 6, lines 16-26). Gartner also discloses that the system is applicable for a plurality of users accessing the system files for multiple tests concurrently (column 3, lines 1-2 and column 4, lines 21-23 and 54-59) and therefore teaches that described method can be performed at different test systems to execute the tests using the same data files.

As noted above, Gartner teaches many of the features of the claimed invention including searching and obtaining data files based on specific filename parameters but does not specifically disclose combining first and second parameters to form a filename.

Fitting discloses a quality control system of a manufacturing system comprising a plurality of test systems, each test system including a controller that configures the test equipment according to one of a plurality of routines so that the test systems are able to executive a plurality of different tests (column 5, lines 15-23). Fitting discloses that the test systems send a request, through a communication interface employing an Ethernet network (column 3, lines 4-10), to a storage database, containing a plurality of files, for retrieval of a test file to be used by the test controller, which is part of a test module (Figure 1) executed in performing the corresponding test (column 5, lines 15-19). Fitting discloses that the test system provides first and second parameters, the first parameter being a predetermined string value and the second parameter being a value indicating the data type of the requested file, to a test controller that performs a routine combining the two

parameters to form a filename which is sent to the database (column 4, lines 20-39). Fitting then discloses searching the database for a test filename containing the string value and a value corresponding to the second file-type parameter (column 4, lines 53-64).

Further, Fitting describes the entire process of the invention according to the execution of one test system, and therefore does not specifically disclose performing different tests with the different systems using the associated file, however, since Fitting does disclose the invention for sharing files between a plurality of test systems, each able to executive a plurality of different tests (column 5, lines 15-23), Fitting does suggest the execution of different tests, by different test systems, using the same shared file directory and therefore the same aforementioned process would be carried out using each of the subsequent test systems.

Also, although Fitting doesn't specifically disclose that the controller contain a storage medium with instructions executed on it, since the controller of Fitting does execute a plurality of steps to combine the two parameters into a filename, it is considered inherent that the controller must contain some type of program instructing the execution of the combining routine.

It would have been obvious to one having ordinary skill in the art to modify the invention of Gartner to include combining first and second parameters to form a filename, as taught by Fitting, because Fitting suggests that the combination would have increased the speed of the search query, to be substantially real-time, by providing descriptive filenames and therefore eliminating the need for the searching

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unit to implement the time-consuming process of reading the data included in the filename and instead allowed the unit to search only the filenames themselves (column 1, lines 54-59).

5. Claims 20, 21, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gartner in view of Fitting and further in view of U.S. Patent No. 5,848,410 to Walls et al.

As noted above, the invention of Gartner and Fitting teaches many of the features of the claimed invention including forming a filename based on inputs from a test module or a user, but does not teach including a default name if a value is not received from the test module or user.

Walls teaches a system and method for comprehensively and continuously indexing information stored in one or more sources of information such as a database (column 3, lines 48-50) comprising a file-system identifier that identifies the file system from which an index will be built and analyzes the files of the selected file system to determine information can be extracted from the files (column 11, lines 21-29). Walls also teaches that if a user does not select a file system name when prompted, the file-system definer, part of the file system identifier, provides a default file system name (column 11, lines 50-52).

It would have been obvious to one having ordinary skill in the art to modify the invention of Gartner and Fitting to include using a default name if a value is not received from the test module or user, as taught by Walls, because the combination

would have prevented an interruption in the process if the user fails to respond, as is well known in the art, and, as suggested by Walls, allowed the process to continue by using a value most recently or most frequently selected by the user and therefore using a value that would have been most likely to have been selected by the user if the user were present (column 11, lines 50-55).

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,415,280 to Farber et al. teaches identifying and requesting data in a network using identifiers which are based on contents of data wherein the data is shared by a plurality of users.

U.S. Patent No. 5,953,684 to Alexandria teaches methods and apparatus for integrated storage of test environment context information wherein the information is stored using a filename that combines a user specified value with a file type extension.

U.S. Patent Application Publication No. 2002/0078069 to Moore teaches an automatic file name/attribute generator for object oriented desktop shells that



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concatenates a fixed string portion with a variable string portion to for a corresponding filename.

U.S. Patent No. 5,021,997 to Archie et al. teaches a test automation system for sharing test files in a network environment.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. West whose telephone number is (703)308-1309. The examiner can normally be reached on Monday through Friday, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703)308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7382 for regular communications and (703)308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

jrjw  
March 24, 2003

  
MARC S. HOFF  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800